

Application for Michigan Education Foundation Certification

Issued under P.A. 36 of 2007.

Name of Education Foundation	Calendar or Fiscal Year Ending Date	
Street Address	Contact Person	
City, State, ZIP Code	Telephone Number	Fax Number
Date of incorporation or establishment as a trust	E-mail Address	
Public School District or Public School Academy served		

Filing Deadline: April 1, 2009

A certified Michigan Education Foundation must meet all the following criteria and supply all requested materials.

1. Qualifies for exemption from federal income taxation under section 501(c)(3) of the Internal Revenue Code.
2. Maintains an ongoing program to attract new endowment funds by seeking gifts and bequests from a wide range of potential donors in the community or area served.
3. All funds, gifts, and bequests are exclusively dedicated to a school district or public school academy.
4. Your organization must hold endowment funds. Complete Form 4625, Endowment Fund Worksheet on page 4 (attached).

The credit is limited to gifts to an endowment fund held by a certified education foundation. Gifts to pass-through funds or other nonpermanent funds do not qualify. An endowment fund is a fund, the income of which is used for charitable purposes including funds invested on a total return basis consistent with MCL 451.1203 and/or a written policy stating the corpus of the fund will be maintained in perpetuity.
5. Is incorporated or established as a trust at least six (6) months before the beginning of the tax year for which the credit is claimed.
6. Has an independent governing body representing the general public's interest and that is not appointed by a single outside entity.
7. Is subject to a program review each year and an independent financial audit every three (3) years.
8. Your education foundation agrees to acknowledge each donation in writing, describing the fund or manner in which the donation will be used, whether donors may claim the Michigan Education Foundation Tax Credit and a statement declaring that, absent any unusual circumstances, the donation will only be designated to an endowment fund.

SUPPORTING DOCUMENTS

Please provide the documents and/or information requested below.

1. A copy of your federal 990 return for the most recent tax year, including all attachments and supporting schedules.
2. A copy of your most recent financial statements. An independent auditor's report must be submitted at least once every three (3) years. For years when an independent audit is not required, submit a copy of your statement of review. Include a statement describing your investment and distribution policy if it is not already published in your financial statements.
3. A copy of your most recent annual report, yearbook, or similar publication that is used to convey pertinent information regarding your organization to the public.
4. A copy of your education foundation's articles of incorporation and/or a copy of the education foundation's trust agreement.
5. Copies of representative samples of your organization's solicitation material, such as pledge forms, newsletters, brochures, pamphlets, etc.
6. Copy of the charitable solicitation license issued by the Michigan Office of the Attorney General.

The documents requested above should be for calendar year 2008, or for fiscal filers, for the last fiscal year ending before April 1, 2009. If these documents are not available by the April 1, 2009 application due date, the application should be submitted by April 1, 2009 with the most recent documents available at that time. Do not delay filing this application beyond April 1 as your application for certification may be denied.

If you become certified for the tax year 2009, we will list your address and telephone number in future publications as it appears on page 1, unless otherwise noted below.

Affirmation

I affirm that this information is true and complete to the best of my knowledge. I agree to submit all documentation requested by the Michigan Department of Treasury. I further understand that any misrepresentation on this application or in any document submitted with this application means this foundation may not be certified or may lose an existing certification.

Authorizing Signature	Title	Date

General Instructions

The Michigan Legislature has extended a credit under the Michigan Business Tax Act for contributions to an endowment fund of a certified education foundation. If your organization meets the criteria described in this form, complete and submit this application and required materials no later than April 1, 2009.

If your application is submitted later than April 1, 2009, you will not be certified for the 2009 tax year. You will be required to reapply for the following tax year.

Because your status as a foundation may change, you must recertify every year. If your status changes during the year after you have been certified, you must notify Treasury immediately.

The Education Foundation Unit will review your application and notify you of your application status by mail.

Appeal Procedure

You may appeal an adverse decision by the Education Foundation Unit of the Department of Treasury. The written appeal must contain a statement of facts and grounds on which the appeal is based. In accordance with MCL 205.22, you may file a written appeal in either of the following ways:

1. Michigan Tax Tribunal, 611 West Ottawa – 2nd Floor, PO Box 30232, Lansing, MI 48909, within 35 days from the date of this decision, or;
2. Michigan Court of Claims, located at 313 W. Kalamazoo Street, P.O. Box 40771, Lansing, MI 48901, within 90 days of this decision.

An organization may lose its certification status if it:

1. Loses status as an IRC 501 (c)(3) entity.
2. Fails to meet the statutory criteria.
3. Submits to Treasury or a donor any false, misleading or incomplete information regarding its qualifications for certification.
4. Fails to obtain a charitable solicitation license from the Office of the Attorney General.

Confidentiality

All materials submitted to the Education Foundation Unit will be subject to the confidentiality provisions of the Revenue Act, as amended, MCL 205.28. The reasons for or against certification are likewise subject to the confidentiality provisions and will not be disclosed to the public.

When Finished

Mail completed form and all supporting documents to:

**Education Foundation Unit
Technical Services Division
Michigan Department of Treasury
P.O. Box 30698
Lansing, MI 48909-8198**

2009 Endowment Fund Return Worksheet

INSTRUCTIONS: Your organization's endowment fund policy describing its investment and distribution practices must also maintain the corpus of the fund. For fiscal year filers, use the year that begins in 2007 and ends in 2008. **Do not include any amounts that are not part of your endowment fund or amounts held in an agency endowment fund.**

Number of new endowment funds established in current year	Amount of new endowment funds established in current year \$
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PART 1: ENDOWMENT FUND CONTRIBUTIONS

This section reports all contributions to endowment funds.

1a. 2007 Year-End Endowment Fund Assets

1b. 2008 Contributions, Gifts and Bequests

Box 1 (Add lines 1a and 1b)

2008 Minimum Expected Endowment Fund Assets

This total represents the restricted portion of your endowment funds. Endowment fund contributions must not be spent for grants or expenses. Only the earnings generated by the endowment fund itself should be disbursed, leaving the corpus untouched.

PART 2: ENDOWMENT FUND EARNINGS (Interest, Dividends, Realized and Unrealized Gains)

This section reports total endowment fund income.

2a. Interest and Dividend Income

2b. Net Realized Gains (Losses)

2c. Net Unrealized Gains (Losses)

Box 2 (Add lines 2a, 2b and 2c)

Total Endowment Fund Income Available for Grants and Expenses:

PART 3: ENDOWMENT FUND DISBURSEMENTS (Grants and Expenses)

This section reports total actual endowment fund disbursements and expenditures.

3a. Grants Disbursed

3b. Expenses

Box 3 (Add lines 3a and 3b)

Total Actual Endowment Fund Disbursements:

PART 4: ACTUAL ENDOWMENT FUND ENDING BALANCE

Beginning balance, plus contributions (Box 1), plus earnings (Box 2), minus grants and expenses (Box 3) = ending endowment fund balance (Box 4).

Actual 2008 Year-end Endowment Fund Balance.

Box 4 (Box 1 + Box 2 - Box 3)

4a. Expected Minimum (from Box 1)

4b. **VARIANCE** (Box 4 minus line 4a). **A negative number here indicates that you may have spent a portion of the endowment funds corpus which could jeopardize your certification for the Michigan tax credit.**